

**DEPARTMENT OF STATE REVENUE**

**LETTER OF FINDINGS NUMBER: 03-0066P  
Indiana S Corporation Income Tax  
For Calendar Year 2000**

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**ISSUE(S)**

**I. Tax Administration – Penalty**

**Authority:** IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

**STATEMENT OF FACTS**

Taxpayer filed its S Corporation return late and was assessed a late penalty. The original due date of the return was April 15, 2001. Taxpayer filed for a Federal Extension of time until September 17, 2001. The Department allows an additional thirty days. The Taxpayer's tax liability was nil.

Taxpayer filed a penalty protest dated November 27, 2002. Taxpayer filed its return on May 2, 2002.

**I. Tax Administration – Penalty**

**DISCUSSION**

Taxpayer protests the penalty assessed and states that it filed its return late because it did not have the information available to correctly file the return. Taxpayer further states that it needed to review the correctness of the K-1. Therefore, it was impossible to file the return timely. Taxpayer requests abatement of the penalty for reasonable cause.

Taxpayer was assessed a penalty for the late filing of its tax return.

IC 6-8.1-10-2.1(g) states:

“A person who fails to file a return for a listed tax that shows no tax liability for a taxable year,

other than an information return (as defined in section 6 of this chapter), on or before the due date of the return shall pay a penalty of ten dollars (\$10) for each day that the return is past due, up to a maximum of two hundred fifty dollars (\$250).”

Taxpayer had an extended due date of September 17, 2001 but failed to file its tax return timely and has not provided reasonable cause to allow the department to waive the penalty.

**FINDING**

Taxpayer’s protest is denied.